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MINUTES OF THE CITY COUNCIL OF THE CITY OF GREENSBORO, N. C.

REGULAR MEETING: 3 JUNE 2003

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Belvin J. Jessup, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips, and Donald R. Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, Ci Clerk.
The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.
The Manager recognized Michelle Pridgen, employee in the Transportation Department, who served a courier for the meeting.
The Mayor explained the Council procedure for conduct of the meeting.
Mayor Holliday acknowledged the service of the following retired board and commission members:

Mayor Holliday acknowledged the service of the following retired board and commission members: William J. Armfield, Airport Authority; Terry Haith, Zoning Commission; and Rose Marie Ponton, Parks and Recreation Commission. The Mayor expressed appreciation to these and all board and commission members for their excellent work and service to the community.

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Mayor Holliday stated that this was the time and place set for a public hearing on the FY 2003-04 Annual Budget. He asked if anyone wished to be heard.

A number of the following speakers, who spoke in support of the funding of City Arts Programs, expressed appreciation to the City Council for the decision to continue funding for these programs in the upcoming budget.

Bill Craft, residing at 1000 Dover Road, spoke to his various concerns and opinions with regard to existing sewer problems; his opinion that Greensboro residents not only subsidized various City services for non-city residents, including the Library and Parks and Recreation, but are also required to pay a portion of the cost for other services to county residents; i.e., Sheriff's Department, County Planning Board, etc.; and the fact that Greensboro is the only North Carolina City in which the City operated the Library system for County government. Mr. Craft strongly encouraged Council to place emphasis on basic services for citizens.

Stating that Council's support was vital to the success of City Arts programs, Carol Lindsay Potter, residing at 2409 Madison Avenue, spoke to her personal knowledge of arts programs in Greensboro; offered her opinions with regard to the quality, diversity and accessibility of City Arts programs and staff; and stated she believed arts to be vital to the quality of life of Greensboro citizens.

Julie Peeples, residing at 2201 Villa Drive, spoke in support of City Arts programs and stated she believed the dance programs were diverse, non-competitive, affordable, important to all cultures and a vehicle of education.

Jeffrey P. Swisher, residing at 2210 Van Wert Street and an employee of the Carolina Theatre, offered his support of the City Arts programs, spoke to his personal experiences with various programs in the past and offered comparisons of City Arts programs and private companies.

Laurelyn Dossett, residing at 1008 Fairmont Street and parent of a City Arts program dancer, requested that Council use this upcoming year to develop a long-range plan to maintain the City Arts programs. She emphasized that program participants expected to have a voice in the future of City Arts and requested that they be included in discussions in order to have clear understanding of program operations; she suggested that everyone who would be impacted by the arts should begin to work together to preserve City Arts programs.

Melanie Rodenborgh, residing at 1720 Madison Avenue, asked Council to develop a long-term plan for the funding of City Arts, spoke to efforts to form a non-profit status for the Greensboro Youth Chorus to enhance fundraising activities, and offered her personal suggestions as to the manner in which the Parks and Recreation Department should evaluate future funding for City Arts programs.

Speaking as a member of the audience of City Arts programs, Cheryl L. Crago, residing at 3602 Cardinal Ridge Drive, offered her thoughts with regard to the excellence, diversity and availability of the various, live concert offerings for Greensboro citizens.

Jack Masarie, residing at 3 Garden Lake Circle and a member of the UNCG School of Music faculty, spoke to his personal participation in the Greensboro Community Band and the Philharmonia as well as the participation of other family members in the City Arts programs. Noting the unique program offerings in Greensboro, he encouraged and the City to continue its leadership through the City Arts programs.

Ali Brown, residing at 1511 Oak Street, spoke to her personal experiences and lessons learned as a long-time participant in the City Arts programs; she stated that she believed a decision not to fund the programs would send a negative message to the community.

Patricia Walcot, residing at 2509 Glenmeadow Drive, offered her personal opinion that the City Arts programs, specifically the dance performances, offered the opportunity for citizens and school-aged young people to explore various cultures, traditions and history.

Mildred O. Tucker, residing at 2203 Bothwell Street, requested funding for a walking trail in the Bluford Park Community. She spoke to various community concerns and frustrations with crime in the area and noted the positive impact of Police efforts in the neighborhood. She outlined the benefits she believed this walking trail would provide to residents of the community.

Jody Gaedtke, residing at 16 Highgate and President of the Philharmonia, spoke to the importance of City Arts programs as a part of the overall Parks and Recreation Department, provided details with regard to the number and type of free concerts that this group provided to Greensboro citizens each year and spoke to her desire for City Arts to become a line item in each year's City's budget.

Arthur Saunders, residing at 2959G Cottage Place; Rita D'Sousa, 3009D Cottage Place; and Michael Spangler, residing at 2201 Acorn Ridge Road; spoke to citizens' efforts to obtain full-time bus service to Lawndale Drive and Cottage Place. Mr. Saunders stated the area only received peak hour service and no transportation on the weekends. Speaking to the difficulty in accessing existing GTA service and the need for transportation for area citizens, including young residents, they requested Council to provide transportation funds for additional bus service in this area.

Judy Bell, residing at 2304 Glen Meadow Drive, spoke to her work with the City Arts dance program, offered her thoughts about privatization, and requested Council not to change the program.

Ed Knisley, residing at 4903 Kingswood, spoke to the talent and quality of City staff and teachers and stated he believed the City Arts programs offered diversity, affordability and availability for all citizens.

Terry Grove, residing in High Point, North Carolina and representing Revolution Development Corporation located at 1000 Revolution Mill Drive, reported that the company, in cooperation with the community, had successfully recruited a premier artist in the Latin film community; she detailed the artist's qualifications and stated the work the artist would bring to Greensboro would be in Latin and English. Ms. Grove spoke to this company's efforts to make art more available, the company's belief that the environment in North Carolina offered potential for growth in the film industry and visual arts with Greensboro as the centerpiece, and this company's ongoing efforts to bring arts to the community and to its future goals.

There being no additional speakers, Councilmember Gatten moved to close the public hearing on the FY 2003-04 Annual Budget. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

After brief discussion, Councilmember Gatten moved that Council direct the City Manager to adjust the 2003-04 budget to maintain the current program levels of service in City Arts; the motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council. City Manager Kitchen explained the manner in which he believed the same level of services could be offered without having to restore the full \$165,000.

Noting that citizens had expressed an interest in participating in decisions that impact City Arts programs, Councilmember Perkins suggested that staff work to increase citizen input and consider forming focus groups to discuss core issues.

Council discussed various opinions and concerns with respect to the proposed budget; i.e., actions that had negatively impacted Greensboro's budget, including but not limited to the change in distribution of Guilford County sales tax which resulted in the City's loss of \$1.3 million and the inequitable amount contributed by Guilford County to the operation of the Library system. They also discussed the need for additional police officers to address criminal activities in communities and drugs; the need for transportation enhancements, etc. Mayor Holliday encouraged citizens to contact the County Commissioners to express concern with regard to the negative impact on City taxpayers of the recent loss of sales tax monies to Greensboro.

Noting the willingness of citizens to assist in addressing funding problems with the City Arts programs, the City Manager explained the main problem was that Greensboro did not have enough growth in the community to provide revenue for all services wanted by all citizens; he emphasized that, with regard to what was happening with the economy, this situation would grow increasingly worse.

After brief discussion with Council, City Manager Kitchen responded to a number of budget issues.

With respect to the City Arts program, the City Manager explained the manner in which he proposed to fund the program in order to retain the current level of service in the same fashion being delivered in various programs by using Council contingency funds, using the savings incurred by not filling a vacant Parks and Recreation Department support position and directing the Parks and Recreation Department to identify ways in which to absorb the remainder of needed funds. The City Manager stated these changes would result in the total budget balance remaining and would assure that the City Arts Programs were being delivered at the current level of service and in the same fashion.

City Manager Kitchen spoke to his recommendation for funding to provide a scaled-down version of the walking trail requested by the Bluford Community and for lighting for the area's community park. He noted that while the walking trail would not be as elaborate as the community had requested, future enhancements or extensions could be made when funds were available.

The City Manager stated that the proposed budget for Council's consideration included the shoring up of the Transit fund to ensure its sound financial position; he noted that he believed after the end of the current year, the fund would have available sufficient funds to enable the consideration of some enhancements to the system. Noting that a variety of enhancements had been requested, City Manager Kitchen stated it would be his recommendation that the Greensboro Transit Authority (GTA) would be the appropriate entity to first consider requests and make its recommendations to Council.

With regard to Downtown Funds, the Manager stated the Council did not have to make a decision with regard to the specific allocation of the \$500,000 in funding at the time the budget was adopted. He stated that he would request that Council increase the allocation for operating revenue for Downtown Greensboro, Inc. to \$100,000, added that \$200,000 was recommended for additional police service and advised that staff would explore alternative ways to deliver additional police services. Stating this would leave \$200,000 unallocated at this time, the City Manager stated he would recommend that Council retain that amount for potential allocations later in the year. He also noted that Council could consider requests from Downtown Greensboro, Inc.

Noting that Greensboro was currently funding 3 ½ Greensboro Beautiful staff positions at this time and had received a request for an additional \$15,000 to fund half of the cost of a fourth position, the City Manager stated that while this was a great program strongly supported by the City, he did not feel the partial funding of another position was justified and could not recommend additional staff funding at this time.

The City Manager stated he would propose \$200,000 in funding for Forward Greensboro and as a part of contract would stipulate that the organization would be required to contribute \$30,000 to the film commission contingent upon contributions from other jurisdictions. After brief discussion was held with regard to the level of participation by other jurisdictions, the Manager advised those details could be worked out in the contract with Forward Greensboro.

Advising that the proposed budget included an increase for several additional Police Department positions, City Manager Kitchen stated he could not hold the current tax rate and fund as many Police officers as has been requested. The Manager noted that after the new Police Chief had been selected, that person would review overall Police Department services and needs and bring back requests in next year's budget.

Mayor Holliday reminded that the Council would vote on the budget at the June 17 meeting which would begin at 4:00 p.m. After brief discussion, it appeared to be the consensus of Council that the June 10 budget work session would not be needed.

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Mayor Holliday declared a recess at 7:42 p.m.

The meeting reconvened at 8:00 p.m. with all members of Council present.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-12 Residential Single Family and Conditional Use-RM-5 Residential Multifamily to Conditional Use-RM-5 Residential Multifamily for property located on the southwest side of Horse Pen Creek Road west of Quaker Run Drive and south of the terminus of Briarbend Drive. He noted this matter was being heard on appeal filed by John T. Dukes after receiving a vote of 7-1 with one abstention by the Zoning Commission to recommend approval of the rezoning; Mayor Holliday advised this item was continued from the May 20, 2003 meeting of Council. The Mayor administered the oath to those individuals who wished to speak to this matter.

At the request of Councilmember Perkins and the concurrence of the City Attorney, Councilmember Carmany moved that Councilmember Perkins be excused from voting on this matter due to conflict of interest. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of Council.

C. Thomas Martin, Planning Department Director, stated the Planning Department and Zoning Commission recommended approval of the rezoning request; he used a map and slides to illustrate the property and surrounding area; he thereupon presented the following staff presentation:

REQUEST - ITEM 7

This request is to rezone property from RS-12 Residential Single Family and Conditional Use - RM-5 Residential Multifamily to Conditional Use - RM-5 Residential Multifamily.

The RS-12 District is primarily intended to accommodate single-family detached dwellings at a density of 3.0 units per acre or less.

The RM-5 District is primarily intended to accommodate duplexes, townhouses, cluster housing and similar residential uses at a density of 5.0 units per acre or less.

The existing CU-RM-5 District contains the conditions which are listed on the agenda and in the copy of the staff presentation:

- 1) A maximum of 54 multifamily units will be constructed on site.
- 2) A stub minor thoroughfare street off of Horse Pen Creek Road will be provided for future extension to Fleming Road.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses shall be limited to: all single family attached and detached residential uses (including townhomes, duplexes and "villa" type homes) permitted under the RM-5 zoning district.
- 2) The total number of dwelling units shall not exceed 105 (4.0 units per acre).
- 3) All homes shall be offered for sale to the public.
- 4) No building shall exceed two stories in height as viewed from the front.
- In cooperation with the City of Greensboro Water Resources Department, the Developer shall set aside an area of approximately three (3) acres, which may be purchased by the City of Greensboro for the Bledsoe sewer lift station. The area shall be in general conformance with the preliminary plan dated February 11, 2002, prepared by the City of Greensboro Engineering Division.
- The proximity of Piedmont Triad International Airport shall be disclosed to all purchasers of homes within the development, in the Developer's recorded declaration of covenants and restrictions, and within any purchase contract between Developer and initial purchasers.
- 7) Within the 100-year floodplain of Horse Pen Creek, no fill shall be placed except in association with required street, road or utility crossings.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 26.2 acres and is located on the southwest side of Horse Pen Creek Road west of Quaker Run Drive and south of the terminus of Briarbend Drive.

	Zoning	<u>Land Use</u>
Subject Property	CU-RM-5 RS-12	Vacant land (54 units presently permitted) Vacant land
North	RS-9 (CL) RS-12	Huntington Subdivision Single-family dwelling & Quaker Run Subdivision
East	RS-12 CU-RM-5	Single-family dwelling Open space of Sullivan's Lake Townhouses
South	RS-40 (Co)	Mostly vacant land
West	RS-40 (Co) CU-GO-M (Co)	Mostly vacant land Vacant land

Mayor Holliday asked if anyone wished to speak to the rezoning.

Paul Holst, representing Portrait Homes, spoke in favor of the rezoning; detailed the residential development proposed for this site; reviewed a number of conditions contained in the proposed ordinance, including

the condition added to address concerns with regard to development in the 100-year floodplain; explained the difference between this and an earlier rezoning application that had been denied; spoke to the results of various studies conducted with regard to flood plain, traffic, etc.; and requested Council to approve the rezoning.

Rodney Battles, President of Fellowship Hall and representing property owners, spoke in favor of the rezoning and stated this property was being sold to further the mission of Fellowship Hall.

Gary Dent, residing at 3602 2 Oaks Drive and President of the Quaker Run Homeowners Association, spoke in opposition to the rezoning. He expressed his concern with regard to what he believed to be the lack of much-needed roadway and infrastructure improvements in the area, and the negative impact this development would have on the neighborhood; i.e., flooding, traffic, etc. Stating that he believed the Council should plan and anticipate growth, he requested Council to deny this request.

Leslie Sanders, residing at 3303 Quaker Run Drive, spoke in opposition to the rezoning and expressed concerns with regard to the development; i.e., density, traffic, preservation of wetlands and water resources, and particularly the location of the development on a dangerous curve.

Tom Dukes, residing at 1902 Haven Road and stated that he represented Friendly Lakes North, spoke in opposition to the rezoning. He used a map to illustrate the area, advised that area homes were on wells and septic tanks, and reiterated that the area residents were not opposed to development and growth, just multi-family development. He expressed concern with respect to proposed density of the development, the impact of this development on the floodplain, existing flooding problems and potential for additional flooding, etc.

Brief discussion was held with regard to traffic safety issues in the area. Adam Fischer, Engineering Manager for the Transportation Department, provided information with regard to transportation issues on Horse Pen Creek Road; i.e., current years of traffic-carrying capacity, lack of unusual number of accidents, the timeframe for future North Carolina Department of Transportation roadway improvements, and the feasibility of installing a guardrail at the curve on this roadway.

Scott Bryant, Water Resources department, explained that maps of area floodplains were in the process of being updated and stated that the development planned by Portrait Homes would have an insignificant impact on the watershed.

During rebuttal for the opponents, Mr. Dukes reiterated the neighborhood's opposition to multi-family zoning.

Councilmember Gatten moved to close the public hearing. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendation:

Item 7 - Horse Pen Creek Road

The Planning Department recommends that this request be approved.

There will be another request filed on the tract to the south and west of the subject property that the City Council will consider at the July 15th meeting.

The city portion of this was coupled with an annexation and original zoning request for CU-RM-8 which received a favorable recommendation from the Zoning Commission in October 2002.

However, City Council denied the annexation in November.

Staff recommended denial of that previous proposal due to the net density which was higher than surrounding properties and the close proximity of many of the units to the 65 DNL noise contour.

These tracts are east of the creek and part of the property is presently zoned CU-RM-5 at a slightly higher density.

The Generalized Future Land Use Map designates this area as Low Residential (3-5 dwelling units per acre) and, at 4.0 units per acre, this request is compatible with that designation.

Councilmember Gatten moved adoption of the ordinance rezoning from RS-12 Residential Single Family and Conditional Use-RM-5 Residential Multifamily to Conditional Use-RM-5 Residential Multifamily be approved based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the proposed residential use of the property.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because a portion of the subject property, as well as adjacent property, is presently zoned CU-RM-5 and a density of 4.0 units per acre is compatible with the surrounding area.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because this request is compatible with the Generalized Future Land Use Map which designates this area as Low Residential.

The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Phillips and Vaughan. Noes: None, with Councilmember Perkins abstaining due to conflict of interest.

03-119 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

SOUTHWEST SIDE OF HORSE PEN CREEK ROAD WEST OF QUAKER RUN DRIVE AND SOUTH OF THE TERMINUS OF BRIARBEND DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RS-12 Residential Single Family and Conditional Use – RM-5 Residential Multifamily to Conditional Use – RM-5 Residential Multifamily (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the southeasternmost corner of Meadowbriar Subdivision Open Space and Utility Easement as recorded in Plat Book 95, Page 34 in the Office of the Guilford County Register of Deeds, said point also being the southwest corner of Charles Reynolds and Mary Marle Reynolds as recorded in Deed Book 4590, Page 771; thence with Reynolds' southern property line N54° 14'09"E 57.30 feet to a point, said point being Reynolds' southeast corner and the southwest corner of Ophella Jeffers as recorded in Deed Book 1534, Page 87; thence with Jeffers' southern property line S68° 12'00"E 75.35 feet to a point in the Jeffers' driveway; thence continuing with Jeffers' southern property line N68° 02'00"E 161.20 feet to a point in the southern right-of-way line of Horse Pen Creek Road; thence with said southern right-of-way line along a curve to the left approximately 465 feet to a point, said point being in the western line of Jeffrey Newell Pell and Suzanne M. Pell S31° 42'19"E 559.54 feet to a point; thence continuing with Pell's western line S41° 37'19"E 34.02 feet to a point; thence continuing with Pell's line S59° 17'19"E 51.55 feet to a point, said point being Pell's southernmost corner in the centerline of Horse Pen Creek and in the northwest line of the property of the City of Greensboro as recorded in Plat Book 98, Page 58 and Plat Book 103, Page 108 and Plat Book 85, Page 108; thence with the City of Greensboro's northwest line S27° 20"58"W 191.10 feet to a point; thence S34° 21'06"W 161.89 feet to a point; thence S03° 33'57"W 51.71 feet to a point; thence N73° 00'51"E 49.77 feet to a point; thence N77° 26'51"W 159.16 feet to a point; thence

N82°05'58"W 194.04 feet to a point; thence N64°59'59"W 183.60 feet to a point; thence N63°31'15"W 153.56 feet to a point; thence N43°49'18"W 199.98 feet to a point; thence N43°50'19"W 198.95 feet to a point; thence N40°43'02"W 192.22 feet to a point; thence N36°13'30"W 131.80 feet to a point; thence N21°31'56"W 197.34 feet to a point; thence N21°17'56"W 151.45 feet to a point; thence N24°42'34"W 161.71 feet to a point, said point being in the southern line of Helen S. Chance as recorded in Deed Book 1480, Page 321; thence N73°26'35"E 42.59 feet to a point; thence S79°56'55"E 534.01 feet to the point and place of BEGINNING, containing approximately 26.24 acres.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses shall be limited to: all single family attached and detached residential uses (including townhomes, duplexes and "villa" type homes) permitted under the RM-5 zoning district.
- 2) The total number of dwelling units shall not exceed 105 (4.0 units per acre).
- 3) All homes shall be offered for sale to the public.
- 4) No building shall exceed two stories in height as viewed from the front.
- In cooperation with the City of Greensboro Water Resources Department, the Developer shall set aside an area of approximately three (3) acres, which may be purchased by the City of Greensboro for the Bledsoe sewer lift station. The area shall be in general conformance with the preliminary plan dated February 11, 2002, prepared by the City of Greensboro Engineering Division.
- The proximity of Piedmont Triad International Airport shall be disclosed to all purchasers of homes within the development, in the Developer's recorded declaration of covenants and restrictions, and within any purchase contract between Developer and initial purchasers.
- 7) Within the 100-year floodplain of Horse Pen Creek, no fill shall be placed except in association with required street, road or utility crossings.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Florence F. Gatten

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The City Manager noted that Henry Fourrier, President/CEO of the Greensboro Convention and Visitors Bureau, was present in the Chamber with regard to Item 26 on the Consent Agenda, Motion to approve Greensboro/Guilford County Tourism Development Authority 2003-2004 Fiscal Year Budget. He stated that if Council had no questions about this budget, Mr. Fourrier could leave the meeting. Councilmember Johnson thereupon removed item #26 from the agenda and moved to approve the Greensboro/Guilford County Tourism Development Authority 2003-2004 Fiscal Year Budget. The motion was seconded by Councilmember Vaughan; the motion was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None. (A copy of the Budget is filed in Exhibit O, Exhibit Number 7, which is hereby referred to and made a part of these minutes.)

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from General Office Moderate Intensity to Conditional Use-General Business for property located on the west side of Battleground Avenue south of Horse Pen Creek Road and east of Four Farms Road. He noted this matter was being heard on appeal filed by Arlene E. Spencer after receiving a vote of 6-2 by the Zoning

Commission to recommend approval of the rezoning and was continued from the May 20, 2003 meeting of Council. Mayor Holliday administered the oath to those individuals who wished to speak to this rezoning.

At the request of Councilmember Vaughan and with the concurrence of the City Attorney, Councilmember Gatten moved that Councilmember Vaughan be permitted to abstain from voting on this matter due to conflict of interest. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Mr. Martin used a map and slides to illustrate the property and surrounding area, summarized a number of conditions contained in the proposed ordinance, stated the Planning Department recommended denial of the request, noted the Zoning Commission had recommended approval of the request and presented the following staff presentation:

REQUEST - ITEM 8

This request is to rezone property from General Office Moderate Intensity to Conditional Use – General Business.

The General Office Moderate Intensity District is primarily intended to accommodate moderate intensity office and institutional uses, moderate density residential uses at a density of 12.0 units per acre or less, and supporting service uses.

The General Business District is primarily intended to accommodate a wide range of retail, service, and office uses.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) All uses provided for in the GB column in the Permitted Use Schedule of Greensboro Development Ordinance Table 30-4-5-1 with the following exceptions: Agricultural Production (crops) (0100); Animal Services (other) (0752); Forestry (0810); Shelters, Emergency (0000); Shelters, Temporary (0000); Shelters for the Homeless (0000); Single Room Occupancy Residences (conv.) (0000); Caretaker Dwellings (0000); Junked Motor Vehicles (0000); Swimming Pools (0000); Athletic Fields (0000); Billiard Parlors (7999); Bingo Games (7999); Bowling Centers (7933); Coin Operated Amusements (7993); Dance Schools (7911); Fortune Tellers, Astrologers (7999); Golf Courses, Miniature (7999); Martial Arts Instructional Schools (7999); Public Recreation Facilities (7990); Shooting Ranges, Indoor (7999); Skating Rinks (7999); Sports Instructional Schools (7999); Sports & Recreation Clubs, Indoor (7997); Ambulance Services (4119); Cemeteries/Mausoleums (0000); Colleges or Universities (8220); Elementary or Secondary Schools (8211); Fire Stations (9224); Government Offices (9000); Museums of Art Galleries (8412); Nursing and Convalescent Homes (8050); Psychiatric Hospitals (8063); School Administration Facilities (9411); Specialty Hospitals (8069); Advertising Agencies or Representatives (7310); Advertising Services, Outdoor (7312); Automobile Rental or Leasing (7510); Automobile Repair Services, Major (0000); Automobile Repair Services, Minor (0000); Automobile Towing and Storage Services (7549); Boat Repairs (3730); Building Maintenance Services (7349); Car Washes (7542); Equipment Rental & Leasing (no outside storage) (7350); Funeral Homes or Crematoriums (7261); Hotels or Motels (7011); Labor Unions and Similar Organizations (8631); Laundromats, Coin-Operated (7215); Laundry or Dry-Cleaning Plants (7210); Laundry or Dry-Cleaning Substations (7212); Motion Picture Productions (7810); Pest or Termite Control Services (7342); Shoe Repair or Shoeshine Shops (7251); Taxidermists (7699); Television, Radio or Electronic Repairs (7620); Theaters, Indoor (7832); Tourist Homes (Bed & Breakfast) (7011); Truck & Utility Trailer Rent & Leasing, Light (0000); Boat Sales (5551); Convenience Stores (with fuel pumps) (5411); Convenience Stores (without fuel pumps) (5411); Food Stores (5400); Motor Vehicle Sales (New and Used) (5511); Motorcycle Sales (5571); Recreation Vehicle Sales (5561); Restaurants (with drive-thru) (5812); Service Stations, Gasoline (5541); Bus Terminals (4100); Courier Service Substations (4215); Land Clearing and Inert Debris Landfills, Minor (0000); Taxi Terminals (4121); Utility Service Facilities (no outside storage) (0000); Contractors (no outside storage) (0000); Ice (2097); Automotive Parking (0000); Carnivals and Fairs (7999).
- 2) Cross access from the parking area will be permitted from the subject property to the adjoining property immediately to the North.
- 3) A maximum of one (1) curb cut will be permitted on US 220 North (Battleground Avenue).

- 4) The curb cut access from US 220 North (Battleground Avenue) will be secured after hours by an ornamental gate with masonry support columns.
- 5) Commercial transport vehicles may be permitted on the subject property overnight in the loading dock area only.
- 6) The loading dock/compactor area will be enclosed and gated.
- Along the property line bordering the residentially zoned property, with the exception of the area encompassing the bio-retention facility, there will be a three (3) foot high earth berm with evergreen shrubs planted approximately 8 to 10 feet on center with a minimum height of 5 feet.
- 8) Along the property line bordering the residentially zoned property there will be a shadow box fence with a minimum height of six (6) feet.
- 9) The landscape improvements shall include an irrigation system.
- 10) All site lighting shall be directed away from the residentially zoned property.
- The building setback requirements adjacent to the residentially zoned property shall be no less than five (5) times the ordinance requirements as stated on Table 30-4-6-6 of the Greensboro Development Ordinance.
- The building setback requirements adjacent to the front property line shall be no less than three (3) times the ordinance requirements from the right-of-way as stated in the Table 30-4-6-6 of the Greensboro Development Ordinance.
- The entire end wall of the porte cochere parallel to the property line shared with the Deerfield Townhome Community shall be a solid masonry material which is intended to screen from view any access doors to the building.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 1.747 acres and is located on the west side of Battleground Avenue south of Horse Pen Creek Road and east of Four Farms Road.

	Zoning	Land Use
Subject Property	GO-M	Two single family dwellings
North	GO-M CU-HB	Single family dwelling Restaurant
East	НВ	Restaurant & strip center
South	CU-RM-8	Deerfield Townhouses
West	RS-40	Vacant tract fronting on Four Farms Road

Mayor Holliday asked if anyone wished to be heard.

Steve Showfety, employed by Koury Corporation, 400 Four Seasons Town Centre, and representing the applicant, property owners and Goodwill Industries, spoke in favor of the rezoning and to ongoing changes in this area which had made it one of the City's busiest corridors. He provided detailed information with regard to the proposed rezoning request, reviewed conditions contained in the proposed ordinance, used photographs to illustrate the property and surrounding property uses, and stated a traffic study had determined the rezoning would create no traffic concerns.

The following individuals spoke in opposition to the rezoning:

Michelle Little, residing at 3710 Wayfarer Drive, recognized a number of residents who were present in the Chamber in opposition to the rezoning. She expressed concern with regard to the proposed facility; i.e., operating hours, activities, truck traffic, noise and the short distance from the Deerfield neighborhood. Stating that the residents were aware that development would take place on the property, she stated that she believed the current zoning reflected the character of the neighborhood.

Montea Goldsmith, residing at 3726 Wayfarer Drive, spoke to the history of the area with regard to annexation and zoning, offered personal thoughts with respect to the proposed zoning and stated the residents believed the rezoning would negatively impact the Deerfield community.

Expressing concern with regard to the proposed rezoning and business use which she believed would negatively impact the existing neighborhood, Diane Conrad, residing at 3728 Wayfarer Drive, spoke to the character of the Deerfield neighborhood and offered her opinion that the current zoning was in harmony with the area.

Melanie McDonald, residing at 3717 Wayfarer Drive, expressed her concerns with respect to the proposed use of the property; i.e., safety of area children, the proximity of the entrance to the proposed facility very near the Deerfield community, and the after-hours drop-off of goods that she believed would be dangerous and unsightly.

Emily Boswell, residing at 3732 Wayfarer Drive, stated she believed the proposed use would negatively impact the Deerfield community and offered her support of the current zoning.

Steve Bourg, residing at 3715 Wayfarer Drive, expressed his concerns with respect to the proposed rezoning and use of property; i.e., the entrance for the retail business would face homes in the area, the noise from delivery trucks would disturb residents, and the rezoning was not appropriate for the area and would adversely impact the existing neighborhood.

Laura Jenkins, residing at 3708 Wayfarer Drive, stated that she believed noise from the proposed business would be detrimental to area residents, the potential use was intrusive into the existing neighborhood and the existing zoning was appropriate.

Bill Eversole, residing at 3775 Wayfarer Drive, expressed his concern that the potential business would be a high-volume business generating tractor trailer traffic in the neighborhood. He also expressed concern with regard to safety issues involved with locating this business at this site.

During the rebuttal period for the proponents, Mr. Showfety reviewed details with regard to the rezoning request and stated that, in his opinion, the rezoning would not negatively impact the surrounding area.

Lengthy discussion was held with regard to the proposed overall operation of the business; i.e., retail purpose of the business, hours of operation, truck traffic to and from the site, noise, security provisions, opinions as to why the neighbors oppose the proposed business, some conditions contained in the proposed ordinance, etc.

The City Attorney noted that because this was a zoning issue, some information that was being offered should be considered for illustrative purposes only.

The Mayor declared a recess at 10:07 p.m.

The meeting reconvened at 10:24 p.m. with all members of Council present.

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During the rebuttal period for the opponents, individuals who had spoken earlier in the meeting but did not identify themselves at this time, spoke to the unsightliness of Goodwill satellite stores sites in other North Carolina cities, stated the location of this business would diminish the property value of homes in the area and spoke to various concerns with regard to problems that would be caused by the operation of the facility.

Councilmember Gatten moved to close the public hearing. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendation:

<u>Item 8 – Battleground Avenue</u>

The Planning Department recommends that this request be denied.

A request for Conditional Use - Highway Business was denied by City Council in February of this year.

The applicant has tried to address concerns expressed by neighbors at the previous public hearings through extensive use limitations and conditions which are part of the current application and this proposal is definitely superior to the previous request.

However, it is still a commercial request.

As pointed out in the recommendation for the previous request, staff feels that the existing zoning is appropriate since it serves as a buffer and transitional area between Deerfield Townhouses and the commercial uses, that is the restaurant and gas station/convenience store, to the north.

In fact, in January 1999 when staff recommended in favor of the rezoning for Elizabeth's Pizza, staff specifically pointed out that there would still be a general office buffer between that restaurant property and the Deerfield Townhomes to the south.

General Office Moderate Intensity allows many potential office and institutional uses which could be established on this property and staff feels that the current zoning is reasonable and appropriate.

After some Council discussion with regard to individual opinions and thoughts; i.e., the differences between this request and one considered by Council earlier in the year, the opinion that the conditions on the proposed ordinance would mitigate most negative effects, the potential for undesirable land uses under the current zoning, etc. Councilmember Gatten moved that the ordinance rezoning from General Office Moderate Intensity to Conditional Use-General Business for property located on the west side of Battleground Avenue south of Horse Pen Creek Road and east of Four Farms Road based on the followings findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent to the potential use of the property with all of the conditions under CU-GB.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because the buffers are in place to protect the residential property.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because of the highly commercial development effect of the corridor know as Battleground.

The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Perkins and Phillips. Noes: Jessup and Johnson, with Councilmember Vaughan abstaining due to conflict of interest.

03-120 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

WEST SIDE OF BATTLEGROUND AVENUE SOUTH OF HORSE PEN CREEK ROAD AND EAST OF FOUR FARMS ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from General Office Moderate Intensity to Conditional Use – General Business (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the western right-of-way line of Battleground Avenue, said point being the southeast corner of Lot 1 of J.E. Trescher Subdivision as recorded in Plat Book 15, Page 16 in the Office of the Guilford County Register of Deeds; thence along the southern line of said Lot 1 S75° 00'W 447 feet to a point, said point being the southwest corner of said Lot 1; thence N08° 10'30"W 220 feet to a point, said point being the northwest corner of Lot 2 of said J.E. Trescher Subdivision; thence along the northern line of said Lot 2 N78° 48'E 383 feet to a point in the western right-of-way line of Battleground Avenue, said point also being the northeast corner of said Lot 2; thence along said western right-of-way line in a southeasterly direction approximately 200 feet to the point and place of BEGINNING.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- All uses provided for in the GB column in the Permitted Use Schedule of Greensboro 1) Development Ordinance Table 30-4-5-1 with the following exceptions: Agricultural Production (crops) (0100); Animal Services (other) (0752); Forestry (0810); Shelters, Emergency (0000); Shelters, Temporary (0000); Shelters for the Homeless (0000); Single Room Occupancy Residences (conv.) (0000); Caretaker Dwellings (0000); Junked Motor Vehicles (0000); Swimming Pools (0000); Athletic Fields (0000); Billiard Parlors (7999); Bingo Games (7999); Bowling Centers (7933); Coin Operated Amusements (7993); Dance Schools (7911); Fortune Tellers, Astrologers (7999); Golf Courses, Miniature (7999); Martial Arts Instructional Schools (7999); Public Recreation Facilities (7990); Shooting Ranges, Indoor (7999); Skating Rinks (7999); Sports Instructional Schools (7999); Sports & Recreation Clubs, Indoor (7997); Ambulance Services (4119); Cemeteries/Mausoleums (0000); Colleges or Universities (8220); Elementary or Secondary Schools (8211); Fire Stations (9224); Government Offices (9000); Museums of Art Galleries (8412); Nursing and Convalescent Homes (8050); Psychiatric Hospitals (8063); School Administration Facilities (9411); Specialty Hospitals (8069); Advertising Agencies or Representatives (7310); Advertising Services, Outdoor (7312); Automobile Rental or Leasing (7510); Automobile Repair Services, Major (0000); Automobile Repair Services, Minor (0000); Automobile Towing and Storage Services (7549); Boat Repairs (3730); Building Maintenance Services (7349); Car Washes (7542); Equipment Rental & Leasing (no outside storage) (7350); Funeral Homes or Crematoriums (7261); Hotels or Motels (7011); Labor Unions and Similar Organizations (8631); Laundromats, Coin-Operated (7215); Laundry or Dry-Cleaning Plants (7210); Laundry or Dry-Cleaning Substations (7212); Motion Picture Productions (7810); Pest or Termite Control Services (7342); Shoe Repair or Shoeshine Shops (7251); Taxidermists (7699); Television, Radio or Electronic Repairs (7620); Theaters, Indoor (7832); Tourist Homes (Bed & Breakfast) (7011); Truck & Utility Trailer Rent & Leasing, Light (0000); Boat Sales (5551); Convenience Stores (with fuel pumps) (5411); Convenience Stores (without fuel pumps) (5411); Food Stores (5400); Motor Vehicle Sales (New and Used) (5511); Motorcycle Sales (5571); Recreation Vehicle Sales (5561); Restaurants (with drive-thru) (5812); Service Stations, Gasoline (5541); Bus Terminals (4100); Courier Service Substations (4215); Land Clearing and Inert Debris Landfills, Minor (0000); Taxi Terminals (4121); Utility Service Facilities (no outside storage) (0000); Contractors (no outside storage) (0000); Ice (2097); Automotive Parking (0000); Carnivals and Fairs (7999).
- 2) Cross access from the parking area will be permitted from the subject property to the adjoining property immediately to the North.
- 3) A maximum of one (1) curb cut will be permitted on US 220 North (Battleground Avenue).
- 4) The curb cut access from US 220 North (Battleground Avenue) will be secured after hours by an ornamental gate with masonry support columns.
- 5) Commercial transport vehicles may be permitted on the subject property overnight in the loading dock area only.
- 6) The loading dock/compactor area will be enclosed and gated.

- Along the property line bordering the residentially zoned property, with the exception of the area encompassing the bio-retention facility, there will be a three (3) foot high earth berm with evergreen shrubs planted approximately 8 to 10 feet on center with a minimum height of 5 feet.
- 8) Along the property line bordering the residentially zoned property there will be a shadow box fence with a minimum height of six (6) feet.
- 9) The landscape improvements shall include an irrigation system.
- 10) All site lighting shall be directed away from the residentially zoned property.
- The building setback requirements adjacent to the residentially zoned property shall be no less than five (5) times the ordinance requirements as stated on Table 30-4-6-6 of the Greensboro Development Ordinance.
- The building setback requirements adjacent to the front property line shall be no less than three (3) times the ordinance requirements from the right-of-way as stated in the Table 30-4-6-6 of the Greensboro Development Ordinance.
- The entire end wall of the porte cochere parallel to the property line shared with the Deerfield Townhome Community shall be a solid masonry material which is intended to screen from view any access doors to the building.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Florence F. Gatten

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits of property located at 1403-07 Alamance Church Road—8.35 acres. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the north side of Alamance Church Road between Sharpe Road and Zornbrook Drive.

Mr. Martin used a map and slides to illustrate the property and surrounding area, explained the existing zoning patterns in the area, noted that this was a regular annexation-not a water and sewer petition, and stated the Planning Department, Planning Board and Zoning Commission recommended in favor of the ordinances.

Mayor Holliday asked if anyone wished to be heard.

Raymond King, residing at 3211 Woodlea Drive, spoke in favor of the two ordinances and stated he believed the proposed development would be in harmony with the area.

James Seibert, residing at 1416 Alamance Church Road, expressed concerns he had prior to the meeting with respect to the development of the property; i.e., proposed use of the property, whether the development would be compatible with the surrounding area, etc.

Councilmember Burroughs-White moved to close the public hearing for the annexation and zoning. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

After brief discussion with regard to proposed density of the development and the fact that access to the proposed development would have no impact on a local cemetery, Mr. Martin provided the following staff recommendation:

Item 10 – Alamance Church Road

The Planning Department recommends that this original zoning be approved.

A lot on the opposite side of Alamance Church Road is zoned RS-12 and Zornbrook Subdivision to the east is also zoned RS-12.

This request is compatible with the Generalized Future Land Use Map which shows this area to be Low Residential (3-5 dwelling units per acre).

Councilmember Johnson moved adoption of the ordinance annexing territory to the corporate limits of property located at 1403-07 Alamance Church Road—8.35 acres. The motion was seconded by Councilmember Perkins; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-121 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 1403-07 ALAMANCE CHURCH ROAD – 8.35 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at an iron pipe in the north right-of-way line of Alamance Church Road, said point being the southwest corner of property of Project Homestead, Inc. and lying S 65° 03' E 200 feet from the point where the north right-of-way line of Alamance Church Road intersects with the east right-of-way line of Sharpe Road; thence N 24° 03' E 500.00 feet along the west line of said property to its northwest corner; thence S 86° 28' E 25.00 feet along the north side of said property to an iron corner; thence N 12° 57' E 6.25 feet along the north side of said property to an iron corner; thence S 86° 28' E 375.00 feet along the north side of said property to its northeast corner; thence S 04° 20' E 774.20 feet to an iron corner in the north right-of-way line of Alamance Church Road; thence along said right-of-way line N 63° 15' W approximately 600 feet to an iron; thence along said right-of-way line N 65° 03' W 123.35 feet to the point and place of BEGINNING, and containing 8.35 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after August 31, 2003, the liability for municipal taxes for the 2003-2004 fiscal year shall be prorated on the basis of 10/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2004-2005 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after August 31, 2003.

(Signed) Yvonne J. Johnson

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Councilmember Phillips moved adoption of the ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the north side of Alamance Church Road between Sharpe Road and Zornbrook Drive. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-122 AMENDING OFFICIAL ZONING MAP

NORTH SIDE OF ALAMANCE CHURCH ROAD BETWEEN SHARPE ROAD AND ZORNBROOK DRIVE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at an iron pipe in the north right-of-way line of Alamance Church Road, said point being the southwest corner of property of Project Homestead, Inc. and lying S 65° 03' E 200 feet from the point where the north right-of-way line of Alamance Church Road intersects with the east right-of-way line of Sharpe Road; thence N 24° 03' E 500.00 feet along the west line of said property to its northwest corner; thence S 86° 28' E 25.00 feet along the north side of said property to an iron corner; thence N 12° 57' E 6.25 feet along the north side of said property to an iron corner; thence S 86° 28' E 375.00 feet along the north side of said property to its northeast corner; thence S 04° 20' E 774.20 feet to an iron corner in the north right-of-way line of Alamance Church Road; thence along said right-of-way line N 63° 15' W approximately 600 feet to an iron; thence along said right-of-way line N 65° 03' W 123.35 feet to the point and place of BEGINNING, and containing 8.35 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Thomas M. Phillips

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Mayor Holliday advised that agenda item 12, an ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use-RS-12 Residential Single Family for property located on the east side of Fleming Road north of the termini of Norwich Drive, Haven Road and Bledsoe Drive; and agenda item 13, an ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use-RM-5 Residential Multifamily for property located on the east side of Fleming Road southeast of Chance Road and southwest of Horse Pen Creek Road, were placed on this agenda because they had been advertised for public hearing on this date. Stating that Council action was taken at the May 20, 2003 regular meeting to continue the above two items to the July 15, 2003 City Council meeting, the Mayor thereupon stated that this was the time and place set for a public hearing to consider Item 11, an ordinance annexing territory to the corporate limits of property located at 1932 Fleming Road—53.84 acres; he requested a motion to continue the ordinance to the July 15, 2003 meeting so the three items could be considered together.

Councilmember Gatten moved that the ordinance annexing territory to the corporate limits of property located at 1932 Fleming Road—53.84 acres be continued without further advertising as requested by the Mayor. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits of property located at 4210 Burlington Road-7.5 acres. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification

from County Zoning light Industrial to City Zoning Light Industrial for property located on the south side of Burlington Road between Elsielee Road and Flemingfield Road, including street right-of-way west to Maxfield Road.

Mr. Martin used a map to illustrate the property and surrounding area, noted this was a water and sewer petition, and stated that Planning Department, Planning Board and Zoning Commission recommended approval of the items.

The Mayor asked if anyone wished to be heard.

There being no one desiring to speak, Mr. Martin provided the following staff recommendation:

Item 15 – Burlington Road

The Planning Department recommends that this original zoning request be approved.

This original zoning results from a Utility Agreement and Annexation Petition.

At its April 16, 2003 meeting, the Greensboro Planning Board unanimously recommended in favor of the annexation.

This annexation links the petitioners' property to three previous satellite annexations.

This property contains a Citgo service station with convenience store which is presently zoned Light Industrial.

The business is undergoing an expansion and the owner is extending a city sewer line along Burlington Road to serve the property.

This request is compatible with the Generalized Future Land Use Map which shows this area to be Industrial/Corporate Park.

Councilmember Burroughs-White moved adoption of the ordinance annexing territory to the corporate limits of property located at 4210 Burlington Road—7.5 acres. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-123 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 4210 BURLINGTON ROAD – 7.5 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point on the south line of property acquired in fee simple by the North Carolina Department of Transportation in order to widen U.S. Highway 70, said point being N 82° 10' 04" E 20.00 feet along said south line from the east line of Lot 38 of the Elsie B. Lee Subdivision, as recorded at Plat Book 11, Page 92 in the Office of the Register of Deeds of Guilford County; thence S 07° 49' 56" E 305.39 feet across property of Marlene Tyson Sockwell, along a proposed new High Falls east line, to a point; thence N 88° 27' 52" W 92.28 feet to a point on the east line of said Lot 38; thence S 06° 24' 08" W 109.48 feet along the east line of said Lot 38 to its southeast corner; thence S 86° 52' 05" W 98.60 feet along the south lines of Lots 38-41 of said subdivision to a point; thence S 87° 35' 17" W 102.87 feet along the south lines of Lots 42-45 of said subdivision to a point; thence S 88° 44' 16" W 77.10 feet along the south lines of Lots 46-48 of said subdivision to the southwest corner of said Lot 48; thence N 05° 02' 50" E 379.39 feet along the west line of said Lot 48 to a point in the south line of property acquired by the North Carolina Department of Transportation in order to widen U.S. Highway 70; thence westwardly along NCDOT's south line approximately 1,000 feet to a point in the Greensboro satellite corporate limits at 3912 Burlington Road (Highway 70); thence westwardly along said satellite corporate limits approximately

100 feet to the northwest corner of said satellite annexation; thence westwardly along NCDOT's south line approximately 350 feet to a point in the Greensboro satellite corporate limits at 3900 Burlington Road (Highway 70); thence westwardly along said satellite corporate limits approximately 155 feet to the northwest corner of said satellite annexation, said corner being in the east right-of-way line of Maxfield Road; thence northwardly, crossing Highway 70, approximately 110 feet to a point in the north line of property acquired in fee simple by the North Carolina Department of Transportation in order to widen U.S. Highway 70, said point being 30.0 feet east of the east right-of-way line of a 30-foot unopened street right-of-way; thence eastwardly along NCDOT's north line approximately 1,000 feet to a point in the Greensboro satellite corporate limits at 4007 Burlington Road (Highway 70); thence eastwardly along said satellite corporate limits 155.52 feet to the southeast corner of said satellite annexation; thence eastwardly along NCDOT's north line approximately 850 feet to its intersection with the east right-of-way line of Flemingfield Road; thence southwardly, crossing Highway 70, approximately 100 feet to the point and place of BEGINNING, and containing approximately 7.5 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after August 31, 2003, the liability for municipal taxes for the 2003-2004 fiscal year shall be prorated on the basis of 10/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2004-2005 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after August 31, 2003.

(Signed) Claudette Burroughs-White

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Councilmember Phillips moved adoption of the ordinance establishing original zoning classification from County Zoning Light Industrial to City Zoning Light Industrial for property located on the south side of Burlington Road between Elsielee Road and Flemingfield Road, including street right-of-way west to Maxfield Road. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins and Phillips. Noes: None.

03-124 AMENDING OFFICIAL ZONING MAP

SOUTH SIDE OF BURLINGTON ROAD BETWEEN ELSIELEE ROAD AND FLEMINGFIELD ROAD, INCLUDING STREET RIGHT-OF-WAY WEST TO MAXFIELD ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Light Industrial to City Zoning Light Industrial uses for the area described as follows:

BEGINNING at a point on the south line of property acquired in fee simple by the North Carolina Department of Transportation in order to widen U.S. Highway 70, said point being N 82° 10' 04" E 20.00 feet along

said south line from the east line of Lot 38 of the Elsie B. Lee Subdivision, as recorded at Plat Book 11, Page 92 in the Office of the Register of Deeds of Guilford County; thence S 07° 49' 56" E 305.39 feet across property of Marlene Tyson Sockwell, along a proposed new High Falls east line, to a point; thence N 88° 27' 52" W 92.28 feet to a point on the east line of said Lot 38; thence S 06° 24' 08" W 109.48 feet along the east line of said Lot 38 to its southeast corner; thence S 86° 52' 05" W 98.60 feet along the south lines of Lots 38-41 of said subdivision to a point; thence S 87° 35' 17" W 102.87 feet along the south lines of Lots 42-45 of said subdivision to a point; thence S 88° 44' 16" W 77.10 feet along the south lines of Lots 46-48 of said subdivision to the southwest corner of said Lot 48; thence N 05° 02' 50" E 379.39 feet along the west line of said Lot 48 to a point in the south line of property acquired by the North Carolina Department of Transportation in order to widen U.S. Highway 70; thence westwardly along NCDOT's south line approximately 1,000 feet to a point in the Greensboro satellite corporate limits at 3912 Burlington Road (Highway 70); thence westwardly along said satellite corporate limits approximately 100 feet to the northwest corner of said satellite annexation; thence westwardly along NCDOT's south line approximately 350 feet to a point in the Greensboro satellite corporate limits at 3900 Burlington Road (Highway 70); thence westwardly along said satellite corporate limits approximately 155 feet to the northwest corner of said satellite annexation, said corner being in the east right-of-way line of Maxfield Road; thence northwardly, crossing Highway 70, approximately 110 feet to a point in the north line of property acquired in fee simple by the North Carolina Department of Transportation in order to widen U.S. Highway 70, said point being 30.0 feet east of the east right-of-way line of a 30-foot unopened street right-of-way; thence eastwardly along NCDOT's north line approximately 1,000 feet to a point in the Greensboro satellite corporate limits at 4007 Burlington Road (Highway 70); thence eastwardly along said satellite corporate limits 155.52 feet to the southeast corner of said satellite annexation; thence eastwardly along NCDOT's north line approximately 850 feet to its intersection with the east right-of-way line of Flemingfield Road; thence southwardly, crossing Highway 70, approximately 100 feet to the point and place of BEGINNING, and containing approximately 7.5 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Thomas M. Phillips

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits of property located at 4502-08 West Wendover Avenue—0.82 acre. He thereupon introduced so these matters could be considered together, an ordinance establishing original zoning classification from County Zoning General Office Moderate Intensity to City Zoning Conditional Use-General Business for property located on the north side of West Wendover Avenue and south side of Sapp Road west of Bridford Parkway. The Mayor administered the oath to those individuals who wished to speak to these items.

Mr. Martin used a map and slides to illustrate the property and surrounding area, stated the Planning Department, Planning Board and Zoning Commission recommended approval of the ordinances, and provided the following staff presentation:

REQUEST – ITEM 17

This request is to establish original zoning for property from County Zoning General Office Moderate Intensity to City Zoning Conditional Use – General Business.

The General Office Moderate Intensity District is primarily intended to accommodate moderate intensity office and institutional uses, moderate density residential uses at a density of 12.0 units per acre or less, and supporting service uses.

The General Business District is primarily intended to accommodate a wide range of retail, service and office uses.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

1) All uses allowed in the GB District except Sexually-Oriented Businesses.

2) No direct access to West Wendover Avenue.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 0.8 acre and is located on the north side of West Wendover Avenue and south side of Sapp Road west of Bridford Parkway.

	Zoning	<u>Land Use</u>
Subject Property	GO-M (Co)	Hayes Auto Body Shop
North	CU-SC	Wendover Place Shopping Center (restaurant, computer sales & bank)
East	CU-SC	Terminus of Sapp Road – entrance to Wendover Place Shopping Center
South	CU-SC	Super Kmart
West	CU-LB	NOW Audio/Video & Lifeway Christian Store

Mayor Holliday asked if anyone wished to be heard.

Charlie Melvin, attorney representing the property owner, used a map to illustrate property and called Council's attention to the undesirable topography of the land and difficulty to develop; he stated the proposed development would be in harmony with the area and requested Council to approve the annexation and zoning.

There being no one else present who wished to speak to the items, Councilmember Carmany moved to close the public hearing for the two ordinances. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendation:

Item 17 – Wendover Avenue/Sapp Road

The Planning Department recommends that this original zoning request be approved.

This request is consistent with the Generalized Future Land Use Plan which shows this area as Commercial.

This designation applies to large concentrations of commercial uses, such as recently constructed shopping centers and "big box" retail.

Such properties may not be expected to undergo redevelopment or a change in use over the plan horizon and the immediate areas in which they are located may not be suitable for the introduction of mixed uses.

Since no direct access to West Wendover Avenue will be permitted, a Transportation Impact Study is not required for this proposal.

Commercial development of this property presents some challenges that pertain to setbacks, off-street parking, and meeting watershed requirements.

However, if these can be satisfactorily addressed, staff feels that commercial development at this location is consistent with the plan of development for this area and will significantly upgrade a property that is greatly in need of it.

Councilmember Burroughs-White moved adoption of the ordinance annexing territory to the corporate limits of property located at 4502-08 West Wendover—0.82 acre. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-125 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 4502-08 WEST WENDOVER AVENUE – 0.82 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro corporate limits, said point being on the northward projection of the west line of Lot 1B of Troy CMBS Property, LLC, as recorded in Plat Book 127, Page 50 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS in a northerly direction approximately 100 feet to a new iron pipe in the north right-of-way line of West Wendover Avenue, said point being in the existing Greensboro city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS along said north right-of-way line N 63° 35' 18" E 55.93 feet to the southeast corner of Lot 1 of the Wendover, LLC property, as recorded in Plat Book 132, Page 128 in the Office of the Register of Deeds; thence N 03° 29' 20" E 136.24 feet along the east line of said Lot 1 to the northeast corner of said lot; thence in an easterly direction along the south right-of-way line of Sapp Road approximately 195 feet to a corner in the existing city limits; thence in a southerly direction to a corner in the existing city limits within the West Wendover Avenue right-of-way; thence in a westerly direction approximately 300 feet to the point and place of BEGINNING, and containing approximately 0.82 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after August 31, 2003, the liability for municipal taxes for the 2003-2004 fiscal year shall be prorated on the basis of 10/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2004-2005 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after August 31, 2003.

(Signed) Claudette Burroughs-White

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Councilmember Phillips moved that the ordinance establishing original zoning classification from County Zoning General Office Moderate Intensity to City Zoning Conditional Use-General Business for property located on the north side of West Wendover Avenue and south side of Sapp Road west of Bridford Parkway be approved based on the following findings of fact:

1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the potential uses of the property and a condition providing for no direct access to Wendover Avenue has been included.

- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because all surrounding properties are presently zoned for commercial uses.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because Generalized Future Land Use Map shows this area to be Commercial which applies to large concentrations of commercial uses such as recently constructed shopping centers and "big box" retail.

The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillip and Vaughan. Noes: None.

03-126 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

NORTH SIDE OF WEST WENDOVER AVENUE AND SOUTH SIDE OF SAPP ROAD WEST OF BRIDFORD PARKWAY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning General Office Moderate Intensity to City Zoning Conditional Use – General Business (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the existing Greensboro corporate limits, said point being on the northward projection of the west line of Lot 1B of Troy CMBS Property, LLC, as recorded in Plat Book 127, Page 50 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS in a northerly direction approximately 100 feet to a new iron pipe in the north right-of-way line of West Wendover Avenue, said point being in the existing Greensboro city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS along said north right-of-way line N 63° 35' 18" E 55.93 feet to the southeast corner of Lot 1 of the Wendover, LLC property, as recorded in Plat Book 132, Page 128 in the Office of the Register of Deeds; thence N 03° 29' 20" E 136.24 feet along the east line of said Lot 1 to the northeast corner of said lot; thence in an easterly direction along the south right-of-way line of Sapp Road approximately 195 feet to a corner in the existing city limits; thence in a southerly direction to a corner in the existing city limits within the West Wendover Avenue right-of-way; thence in a westerly direction approximately 300 feet to the point and place of BEGINNING, and containing approximately 0.82 acres.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

1) All uses allowed in the GB District except Sexually-Oriented Businesses.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon the date of annexation.

(Signed) Thomas M. Phillips

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After Mayor Holliday stated that this was the time and place for a public hearing to consider a resolution confirming assessment roll for sanitary sewer improvements for an 8" sanitary sewer main installed in relocated Burnt Poplar Road from approximately 100' east of Citation Court to approximately 530' west of Citation Court, he asked if anyone wished to be heard.

There being no on present desiring to speak to this matter, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

B-325 RESOLUTION CONFIRMING ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS

AN 8" SANITARY SEWER MAIN TO BE INSTALLED IN RELOCATED BURNT POPLAR ROAD FROM APPROXIMATELY 100' EAST OF CITATION COURT TO APPROXIMATELY 530' WEST OF CITATION COURT

WHEREAS, on the 7th day of September, 1999, the City Council of the City of Greensboro adopted a resolution ordering the making on the street or streets hereinabove set out of the following improvements:

<u>Sanitary Sewer Improvements</u>. That a sanitary sewer main of 8-inch size be laid on the street or streets hereinabove named within the limits defined, and that necessary laterals (including water laterals where none exist and water main has been installed) be laid for the proper connection of abutting property.

AND, WHEREAS, the improvements have now been completed, and the City Council has ascertained the total cost thereof and the amount that should be assessed against each lot abutting on the improvements on account of the improvements and has caused to be prepared a general plan map of the improvements, on which map is shown the frontage and location of each lot on the street or streets improved, together with the owners thereof, as far as the same can be ascertained, the plan map being marked:

BURNT POPLAR ROAD

Approximately 100' East of Citation Court to Approximately 530' West of Citation Court

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

- 1. That the total cost of the improvements is hereby designated to be the amount shown thereof on said general plan map.
- 2. That the City Council finds as a fact that each lot abutting on the improvements has been specially benefited by the improvements in the amount assessed against such lot as shown by the preliminary assessment roll.
- 3. That the general plan map is hereby confirmed at 6:00 p.m., on the 3rd day of June, 2003, and is hereby made the final assessment roll for the improvements.
- 4. That the City Clerk is hereby directed to enter on the minutes of this council and the assessment roll the date, hour and minute of the confirmation thereof and to deliver a copy of the assessment roll to the City Tax Collector.
- 5. That, after the expiration of 20 days from this date, the City Clerk shall cause to be published one time in some newspaper published in the city a notice that any assessments contained in the assessment roll may be paid in full to the City Tax Collector without interest thereon at any time before the expiration of 30 days.

- 6. That, if the owners of the lots against which the assessments have been made do not exercise their option to pay the same in cash as hereinabove provided, then the same shall be payable in five equal installments as provided in the original resolution ordering the making of the improvements, such installments to bear interest at the rate of six percent per annum from this date.
- 7. That the first of the installments with interest thereon shall become due and payable on the first day of September next following the date that payments may be made without interest. One subsequent installment with interest thereon shall be due and payable on the first day of September of each successive year until the assessments have been paid in full.

(Signed) Donald R. Vaughan

After Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution confirming assessment roll for sanitary sewer improvements on Burnt poplar Road from Citation Court to existing 8" sanitary sewer east, he asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

B-324 RESOLUTION CONFIRMING ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS

BURNT POPLAR ROAD FROM CITATION COURT TO EXISTING 8" SANITARY SEWER EAST

WHEREAS, on the 18th day of August, 1998, the City Council of the City of Greensboro adopted a resolution ordering the making on the street or streets hereinabove set out of the following improvements:

<u>Sanitary Sewer Improvements</u>. That a sanitary sewer main of 8-inch size be laid on the street or streets hereinabove named within the limits defined, and that necessary laterals (including water laterals where none exist and water main has been installed) be laid for the proper connection of abutting property.

AND, WHEREAS, the improvements have now been completed, and the City Council has ascertained the total cost thereof and the amount that should be assessed against each lot abutting on the improvements on account of the improvements and has caused to be prepared a general plan map of the improvements, on which map is shown the frontage and location of each lot on the street or streets improved, together with the owners thereof, as far as the same can be ascertained, the plan map being marked:

BURNT POPLAR ROAD

From Citation Court to Existing 8" Sanitary Sewer

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

- 1. That the total cost of the improvements is hereby designated to be the amount shown thereof on said general plan map.
- 2. That the City Council finds as a fact that each lot abutting on the improvements has been specially benefited by the improvements in the amount assessed against such lot as shown by the preliminary assessment roll.
- 3. That the general plan map is hereby confirmed at 6:00 p.m., on the 3rd day of June, 2003, and is hereby made the final assessment roll for the improvements.

- 4. That the City Clerk is hereby directed to enter on the minutes of this council and the assessment roll the date, hour and minute of the confirmation thereof and to deliver a copy of the assessment roll to the City Tax Collector.
- 5. That, after the expiration of 20 days from this date, the City Clerk shall cause to be published one time in some newspaper published in the city a notice that any assessments contained in the assessment roll may be paid in full to the City Tax Collector without interest thereon at any time before the expiration of 30 days.
- 6. That, if the owners of the lots against which the assessments have been made do not exercise their option to pay the same in cash as hereinabove provided, then the same shall be payable in five equal installments as provided in the original resolution ordering the making of the improvements, such installments to bear interest at the rate of six percent per annum from this date.
- 7. That the first of the installments with interest thereon shall become due and payable on the first day of September next following the date that payments may be made without interest. One subsequent installment with interest thereon shall be due and payable on the first day of September of each successive year until the assessments have been paid in full.

(Signed) Donald R. Vaughan

The Mayor noted that Item 26 had been removed from the Consent Agenda earlier in the meeting. After he stated that staff had requested that Item 24 be deleted from the Consent Agenda, Councilmember Vaughan removed the ordinance amending Chapter 16 of the Greensboro Code of Ordinances with respect to Motor Vehicles and Traffic (wrecker contracts) from the Consent Agenda and moved adoption of the Consent Agenda, as amended. The motion was seconded by Councilmember Burroughs-White; the amended Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-127 AMENDING CHAPTER 2

AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO COUNCIL MEETINGS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 2-16 of the Greensboro Code of Ordinances is hereby amended by changing one regular meeting date of the City Council in 2003 as follows:

"The June 17, 2003 meeting shall be held at 4:00 p.m. instead of 6:00 p.m. to observe Atlantic Coast Conference functions."

Section 2. That all laws and clauses of laws in conflict of the provision of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon adoption.

(Signed) Donald R. Vaughan

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03-128 ORDINANCE AMENDING THE FEDERAL, STATE AND OTHER GRANTS PROJECT FUND BUDGET FOR FY 02-03 FAIR HOUSING ASSISTANCE PROGRAM

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appropriation for the Federal, State, and Other Grants Fund be increased as follows:

Account	<u>Description</u>	<u>Amount</u>
101-0350-01.4110	Salaries & Wages	\$21,770
101-0350-01.4140	Roster Salaries	3,000
101-0350-01.4510	FICA Contribution	2,340
101-0350-01.4520	Retirement Contribution	2,142
101-0350-01.4610	Health Coverage – Active	3,600
101-0350-01.4650	Dental Coverage – Active	348
101-0350-01.4710	Life Insurance – Active	400
101-0350-01.5212	Legal	14,229
101-0350-01.5213	Office Supplies	2,500
101-0350-01.5413	Consultant Services	17,000
101-0350-01.5431	In-House Printing	2,500
101-0350-01.5520	Seminars/Training Expense	<u>27,500</u>
Total		\$97.329

and, that this increase be financed by increasing the following Federal, State, and Other Grants Fund accounts:

Account	<u>Description</u>	<u>Amount</u>
220-0350-01.7100	Federal Grant	<u>\$97,329</u>
Total		\$97.329

(Signed) Donald R. Vaughan

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128-03 RESOLUTION AUTHORIZING INSTALLATION OF SEWER LINE ALONG US 70/BURLINGTON ROAD UNDER AGREEMENT BETWEEN CITY OF GREENSBORO AND GUILFORD COUNTY

WHEREAS, Guilford County has recently authorized the installation of an 8-inch sewer line from the existing manhole along US 70 at Scottville Road approximately 800' to the east near Flemingfield Road to serve High Falls Oil Company, Inc., in accordance with the Consolidated Water and Sewer Agreement between the County and the City;

WHEREAS, the project will be privately financed by the owner;

WHEREAS, in the opinion of the City Council, the best interest of the City will be served by the construction of the sewer line in accordance with said agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the construction of the above mentioned 8-inch sewer line in accordance with the agreement between the City of Greensboro and Guilford County is hereby authorized; provided that there shall be no assessments levied.

(Signed) Donald R. Vaughan

129-03 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY OF JAMES ROBERT COBB, JR. AND WIFE, ELIZABETH B. COBB FOR THE REEDY FORK FORCE MAIN PROJECT

WHEREAS, in connection with the Reedy Fork Force Main project, the property owned by James Robert Cobb, Jr. and wife, Elizabeth B. Cobb, Tax Map No. 9-597-373-8 and 3 is required by the City for said Project, said property being shown on the attached maps;

WHEREAS, the required property has been appraised at a value of \$16,190.00 and the owner has agreed to settle for the price of \$16,490.00, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation;

WHEREAS, the owner has agreed to convey said property to the City at the agreed price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the agreed price of the above mentioned portion of property in the amount of \$16,490.00 is hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made from Account No. 509-7058-01.6019 CBR 001.

(Signed) Donald R. Vaughan

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03-129 ORDINANCE AMENDING THE STREET AND SIDEWALK CAPITAL PROJECT FUND

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Street and Sidewalk Capital Project Fund Budget-Norwalk Street Extension Project of the City of Greensboro be established for the life of the project, as follows:

Account	<u>Description</u>	<u>Amount</u>
401-6010-01.6014	Street Construction	\$1,335,000

And, that the following revenue finances these appropriations:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
401-6010-01.7110	State Grant	\$1,068,000
401-0000-00.8900	Appropriated Fund Balance	267,000
Total		\$1,335,000

(Signed) Donald R. Vaughan

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Mayor Holliday introduced a resolution approving grant to Project Homestead from East Market Street Redevelopment funds for the purpose of up fitting a family restaurant in the Dudley-Lee Shopping Center.

Councilmember Burroughs-White expressed concern that Council had not received a recommendation from the East Market Street Development Corporation (EMSDC); she referred to the letter Mayor Holliday had received stating the Corporation had not had time to analyze the request.

Michael King, residing at 7522 Oak Valley Lane, Brown Summit, NC, and representing Project Homestead, noted that at the last Council meeting he had asked Council to consider the grant to enable Project

Homestead to meet various schedules and deadlines, spoke to the financial investment Project Homestead had in this project, stated that if Council delayed action the organization was in danger of losing 4% monies and would not be able to make the restaurant project work, and provided his thoughts with regard to the process his organization had undertaken to obtain approval from the East Market Street Development Corporation (EMSDC) and City Council.

Mayor Holliday spoke briefly to the timeframe in which the information had been received by his office.

MacArthur Sims, representing EMSDC with offices at 1106 East Market Street, reviewed discussions with Project Homestead representatives, spoke to the Corporation's request for additional information in the form of a standard questionnaire, reviewed the short timeframe for receipt and consideration of the Project Homestead business plan for a restaurant by the EMSDC Board; he emphasized that because of the difficult format in which answers to the questionnaire were provided--by reference to specific portions of the business plan rather than providing the information on the form itself and the length of time required to locate their reference points--EMSDC was unable to make a presentation at this meeting and would need additional time before making a recommendation to Council. He reviewed the timeframe for the EMSDC board meeting at which time a recommendation would be prepared. Mr. Sims advised that the Board took seriously the responsibility to carefully review requests and treat each application the same. In response to Councilmember Perkins' inquiry, Mr. Sims stated the questionnaire was standard operating procedure and was provided to each applicant who requested funds from the EMSDC. Brief discussion was held with regard to the EMSDC Board to receive information, consider proposals and make recommendations.

In response to Council inquiry, Andrew Scott, Housing and Community Development Department Director, reported that staff had no recommendation at this time with regard to the proposal; he added it was staff's understanding that, as lead agent, the EMSDC board would make that recommendation to Council.

Members of Council discussed individual opinions and concerns with respect to the timeframe for consideration of the proposal, the fact that the EMSDC board had not met to consider the application, the belief that the EMSDC Board needed time to study Project Homestead's complicated business plan, the fact that some members of Council had not reviewed the business plan, whether Council would receive presentations at this meeting, etc. Discussion was held with regard to the process Council would follow to consider the request and receive recommendations from the EMSDC board and City staff, the commitment to the success of the Dudley Building, etc.

Stating that Council had requested that he attend this meeting, Mr. King offered personal comments about what he believed to be the appropriate timeframe for review of his organization's business proposal and presentation of recommendations by EMSDC and city staff; he requested the Council to schedule a special Council meeting to consider his request.

After lengthy discussion Councilmember Gatten moved that this matter be continued to the June 17, 2003 meeting of Council. The motion was seconded by Councilmember Burroughs-White. After brief discussion with regard to a possible amendment, Councilmember Gatten advised she would not accept an amendment to her motion. After voice vote of Council, the Mayor stated Councilmember Gatten's motion had failed by voice vote of Council.

After discussion with regard to the desire of some members of Council to schedule a special meeting to consider the Project Homestead request and with regard to an appropriate date and time for the meeting, Councilmember Vaughan moved adoption of an Ordinance amending Chapter 2 of the Greensboro Code of Ordinances with respect to Administration to set a Special Meeting at 1:00 p.m. on June 10, 2003. The motion was seconded by Councilmember Perkins; the ordinance was adopted on the following roll call vote: Ayes: Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, and Vaughan. Noes: Burroughs-White and Phillips.

03-130 AMENDING CHAPTER 2

AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ADMINISTRATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 2-16 of the Greensboro Code of Ordinances is hereby amended by setting a meeting of the City Council for 1:00 p.m. on June 10, 2003 in the Council Chamber.

Section 2. That this ordinance is effective immediately upon adoption.

Section 3. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

(Signed) Donald R. Vaughan

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Mayor Holliday introduced an addendum item, a resolution approving expenditure of \$50,000 from Contingency Fund to support the Women's Resource Center Capital Campaign. After brief comments, Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

130-03 RESOLUTION APPROVING EXPENDITURE OF \$50,000 FROM CONTINGENCY FUND TO SUPPORT THE WOMEN'S RESOURCE CENTER CAPITAL CAMPAIGN

WHEREAS, in 1999, following its third move in four years to leased offices, the leadership of the Women's Resource Center explored the possibilities of a permanent home for the Center;

WHEREAS, the Board developed a Strategic Plan which identified five strategic goal areas which include, securing the financial resources necessary to support the Center's mission; develop a diverse community of women who are in service with each other; to deliver, evaluate and create high-quality creative programs and services which respond to the needs of Guilford County women; create and maintain a safe, supportive environment for women; and to be known throughout Guilford County as an effective agency for women's empowerment;

WHEREAS, the Board of the Women's Resources center has approved the undertaking of a \$2,200,000 capital campaign entitled, 'Building the Future of Women' with a building goal of the campaign being \$1,900,000 and the future goal for endowment of \$300,000;

WHEREAS, on August 31, 2001 the Women's Resource Center purchased land at 628 Summit Avenue and the capital campaign will provide for the construction of a permanent home designed to meet the Center's needs and the establishment of an endowment fund to ensure the future ability of the center to service women of Greensboro and Guilford County;

WHEREAS, between July 1, 2001 and June 30, 2002, the Center served a total of 7,161 women through its programs;

WHEREAS, the City allocated \$25,000.00 to the Center during the 1999-2000 fiscal year;

WHEREAS, it is deemed in the best interest of the City to support the Women's Resource Center's capital campaign as it will promote the expansion of new programs and service the needs of women in Greensboro and Guilford County.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the expenditure of \$50,000.00 from the Contingency Fund to support the Women's Resource Center's capital campaign for it's permanent building located at 628 Summit Avenue is hereby approved.

(Signed) Donald R. Vaughan

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Ben Holder, resident of Winston Salem, NC, spoke to his perception of the City's coordinated efforts in the Randleman Road area and reiterated his concerns about the number of city inspections in that area, specifically at the Southgate Inn. The City Manager advised that Butch Simmons, Engineering and Inspections Department Director, would provide a report to Council.

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Ron Tucker, residing at 1500 West Vandalia Road, shared his opinions with regard to storm water runoff maintenance, the need to ensure that all parks are equitably maintained, and the impact illegal immigrants have on employment opportunities for Greensboro residents.

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Councilmember Carmany moved that Scottie King be appointed to fill the unexpired portion of term of Eldene Styers, resigned, on the Library Board of Trustees; this term will expire 15 August 2005. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

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Councilmember Jessup added the name of Alma Stokes to the boards and commissions data bank for consideration for future service on the Cultural Center Council.

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Noting that two new positions would be added to the ABC Board, Councilmember Vaughan requested that Council consider allowing former ABC Board member, Joanne Schlaginhaufen, to serve in one of the new positions to complete a term on the National Board.

Councilmember Phillips stated that when these positions were discussed at an earlier meeting, it was Council's intent that the additional positions would not be for the purpose of allowing former members to serve but would be for the purpose of appointing new members to the Board from Council Districts 1 and 4 that were currently not represented on the Board. Brief discussion was held; no Council action was taken.

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Councilmember Vaughan added the name of Wayne Abraham to the boards and commissions data bank for consideration for future service on the Parks and Recreation Commission. (Note: Mr. Abraham's name had already been added to the data bank and has been placed under the Parks and Recreation section for consideration.)

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Councilmember Johnson added the name of Charles Assence to the boards and commissions data bank for consideration for future service on the Minimum Housing Standards Commission.

Brief discussion was held with regard to the format for the June 10, 2003 Council agenda and clarification as to the type of information Council wanted staff to provide.

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Councilmember Burroughs-White asked Council's assistance in determining a District 2 resident to fill a position on the Board of Adjustment.

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Mayor Holliday added the name of Thomas Hubert to the Greensboro Housing Authority data bank for his possible consideration for future service; this is the Mayor's appointment. Councilmember Gatten noted that Mr. Hubert currently served as the Chairperson of the Community Resource Board.

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Councilmember Vaughan moved that the City Council adjourn. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 12:25 A.M. ON JUNE 4, 2003.

JUANITA F. COOPER CITY CLERK

KEITH A. HOLLIDAY MAYOR
